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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,139	12/18/2001	Akihiko Uchiyama	Q67761	7030
23373	7590	02/17/2004	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			PENG, KUO LIANG	
		ART UNIT		PAPER NUMBER
				1712

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/018,139	UCHIYAMA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Kuo-Liang Peng	1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12/15/03 Amendment.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14, 16 and 18 is/are rejected.
- 7) Claim(s) 15 and 17 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

Art Unit: 1712

**DETAILED ACTION**

1. The Applicants' amendment filed on December 15, 2003 were received. Claims 1-4, 8-9, 12-14 and 17 are amended. Claim 18 is added.
2. Claim objection in the previous Office Action (Paper No. 0903) is removed.
3. The text of those sections of Title 35, U.S. code not included in this action can be found in a prior Office Action (Paper No. 0903).

***Claim Rejections - 35 USC § 112***

4. Rejection of Claims 1-13 under 35 USC 112, second paragraph, is maintained because the rejection is adequately set forth in paragraph 4 of Paper No. 0903. The newly added Claim 18 is rejected for the same reason.

***Claim Rejections - 35 USC § 102***

5. Rejection of Claims 1, 10, 14 and 16 under 35 USC 102(b) as being anticipated by Tung (US 4 525 532) or Lazear (US 4 150 170) is maintained because the rejection is adequately set forth in paragraphs 6 and 7 of Paper No. 0903.

***Claim Rejections - 35 USC § 103***

6. Rejection of Claim 11 under 35 USC 103(a) as being unpatentable over Lazear is maintained because the rejection is adequately set forth in paragraph 9 of Paper No. 0903.

***Responsive to arguments regarding 35 USC § 112 rejection***

7. Applicant's arguments filed on December 15, 2003 have been fully considered but they are not persuasive because of the following reason: Although Applicants indicated that "Claims 1, 12 and 13 have been amended to more clearly define the phrase "wavelength dispersion characteristics" as the ratio R(450)/R(550) for the mixture of the polymers A and B.", the indefiniteness of the term "desired wavelength dispersion characteristics" was not addressed.

***Responsive to arguments regarding 35 USC § 102 and 103 rejections***

8. Applicant's arguments filed on December 15, 2003 have been fully considered but they are not persuasive. The focus argument related to the core patentability is discussed below.

*The Applicants' principal argument against the rejection is that "Neither Tung nor Lazear teach or suggest at least the following claimed features: (1) that the mixing ratio of polymer A and B is adjusted so that the film has desired wavelength dispersion characteristics of retardation, which is the ratio R(450)/R(550) for the mixture of the polymers A and B; (2) that polymer A is a copolymer comprising repeating units a and b; and (3) that the polymer B is a copolymer comprising the repeating units a and b and is different from the polymer A in copolymerization composition and in the ratio R(450) /R(550).*

As mentioned in paragraph 7, the term "desired wavelength dispersion characteristics" renders the instant claims indefinite. Therefore, whatever wavelength dispersion characteristics of Tung or Lazear reads on whatever desired wavelength dispersion characteristics of the present invention. Furthermore, it is noted that Tung and Lazear clearly discloses blends of two

Art Unit: 1712

polymers containing the repeating unit a and unit b (i.e.,  $\alpha$ -methylstyrene/styrene for Tung and butyl acrylate/vinyl acetate for Lazear), and the two polymers have different polymerization composition as set forth in the previous Office action. Since the two polymers have different polymerization compositions, their R(450)/R(550) should be different.

9. Claims 15 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The patentability of the instant claims is described in the previous Office action.

10. Claims 2-9 and 18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. The patentability of the instant claims is described in the previous Office action.

11. Claims 12-13 would be allowable if rewritten or amended to the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action. The patentability of the instant claims is described in the previous Office action.

*Allowable Subject Matter*

12. Claim 18 is allowed. None of Tung and Lazear teaches or fairly suggests the blend of two polymers having the specific R(450)/R(550) values as set forth in Claim 18.

Art Unit: 1712

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang Peng whose telephone number is (571) 272-1091. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

klp  
February 10, 2004

  
Kuo-Liang Peng  
Primary Examiner  
Art Unit 1712